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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,654	11/19/2003	Jean-Philippe Gregoire	871-011565-US / 31020313	6443
2512	7590 05/10/2004		EXAMINER	
PERMAN & GREEN			NGUYEN, KHAI M	
425 POST ROAD FAIRFIELD, CT 06824			ART UNIT	PAPER NUMBER
raintield,	C1 00027		2819	
			DATE MAILED: 05/10/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)				
	10/716,654	GREGOIRE, JEAN-PHILIPPE				
Office Action Summary	Examin r	Art Unit				
	Khai M. Nguyen	2819				
The MAILING DATE of this communication app Period for Reply	ars on the cover shiet with the	corresponaence aaaress				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on 011-1	<u>19-2003</u> .					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under E	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) ☐ Claim(s) 1-5 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1, and 3-5 is/are rejected. 7) ☐ Claim(s) 2 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9)☐ The specification is objected to by the Examiner	;					
10)☐ The drawing(s) filed on is/are: a)☐ acce	10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 11-19-2003.	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:					

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DETAILED ACTION

Drawings

- 1. The drawing of figure 1 is objected to because it is missing a line. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
- 2. Figures 1, 4, and 5 should be designated by a legend such as --Prior Art--because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 4. Claims 1, and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Pakravan et al. (US 6,259,391). Pakravan et al. discloses (see Figs. 4-5) an automatic gain control (AGC) apparatus and method of the claimed invention, comprising: an adjustable gain amplifier (32); an ADC (34) adapted for generating samples output from the amplifier (32); a signal monitor block (36) arranged for the calculation of the clipping percentage and the average energy of the sampled signal; and a gain calculation block

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(38) configurable for determining the target value and the gain setting of the amplifier 32 (column 2, lines 27-60; and column 5, lines 50-64).

Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. Claims 1, and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant admitted prior art (hereinafter, "AAPA") in view of Borjesson et al. (US 6,606,047). The AAPA discloses the claimed invention (see paragraphs [0004], [0006], and [0022]) except for using a clipping and energy estimation block to calculate or to estimate the percentage of clipped samples. Borjesson et al. teaches an automatic gain control (AGC) system and method that includes a clip processor operable to compute/estimate a value for clipped digital signal samples during analog-to-digital conversion (see the title and abstract). Therefore, it would have been obvious to one person having ordinary skill in the art at the time the invention was made to provide an AGC system as taught by AAPA with a clip processor as suggested by Borjesson et al. for improving the digital representation of the analog input signal (col. 1, lines 40-50).

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Allowable Subject Matter

7. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclose (see PTO-892 attached).

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571-272-1809. The examiner can normally be reached on 8:00 to 4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J Tokar can be reached on 571-272-1812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KN

April 26, 2004

Michael Teker Supervisory Petent Exeminer Technology Conter 2800

Mahad J. Tokan